

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

**ACTUS, LLC,**

**Plaintiff,**

**v.**

**AMAZON.COM. INC., et al.**

**Defendants.**

**CIVIL ACTION NO. 2:09-CV-168**

**JURY TRIAL DEMANDED**

**STIPULATED MOTION FOR DISMISSAL WITH PREJUDICE**

The plaintiff, Actus, LLC (“Actus”) and Defendant Apple, Inc. (“Apple”), pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii), (a)(2) and (c), hereby move for an order dismissing Plaintiff’s claims in this action against Defendant Apple, Inc. WITH PREJUDICE, with each Party to bear its own costs, expenses and attorneys fees.

Dated: September 22, 2009

Respectfully Submitted,

**APPLE, INC.**

**ACTUS, LLC**

By: /s/ Eric M. Albritton

By: /s/ William E. Davis, III

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**ATTORNEY FOR DEFENDANT  
APPLE, INC.**

**ATTORNEY FOR PLAINTIFF  
ACTUS, LLC**

**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this document was served on all counsel who are deemed to have consented to electronic service. Local Rule CV-5(a)(3)(A). Pursuant to Fed. R. Civ. P. 5(d) and Local Rule CV-5(d) and (e), all other counsel of record not deemed to have consented to electronic service were served with a true and correct copy of the foregoing by email, on this the 22nd day of September, 2009.

/s/ William E. Davis, III  
William E. Davis, III